



Docket No. 62694-A/JPW/AJM/NFM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hilton A. Salhanick and Joachim Hourihan
Serial No. : 09/915,931 Examiner : D.A. Davis
Filed : July 26, 2001 Art Unit : 1641
For : METHODS FOR DIAGNOSING THYROID CONDITIONS
AND FOR MONITORING THYROXINE THERAPY

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July 1, 2003

Commissioner for Patents
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**COMMUNICATION IN RESPONSE TO
JUNE 3, 2003 RESTRICTION REQUIREMENT**

This Communication is submitted in response to the Restriction Requirement issued June 3, 2003 in connection with the above-identified application. A response to the June 3, 2003 Office Action is due July 3, 2003. Accordingly, this response is being timely filed.

Claims 9-11, 17-19, 33-35, 41, 42, 47, 48, 67, 68, 74-76, 88 and 94-135 are pending in the subject application. In the Restriction Requirement, the Examiner required restriction to one of the following allegedly distinct inventions as follows:

- I. Claims 9-11, 41, 42, 47, 48 and 74-76, drawn to a method of diagnosing a thyroid condition and determining whether a person treated with thyroxine is receiving proper dosage, and determining a concentration of triiodothyronine and TSH;

- II. Claims 33-35, drawn to a method of diagnosing a thyroid condition comprising determining the concentration of thyroxine-glucuronide in a sample;
- III. Claims 17-19, drawn to a method of diagnosing a thyroid condition and determining a concentration of triiodothyronine-sulfate;
- IV. Claims 67, 68 and 88, drawn to a method of determining whether a subject being treated with thyroxine is receiving a proper dosage and a method of monitoring the subject, and determining TSH and adjusting the dosage of thyroxine in a patient;
- V. Claims 94-101, 110-122 and 132-134, drawn to a method of diagnosing a thyroid condition comprising determining the concentration of TSH and thyroxine, and comprising binding TSH with a detectable agent; and
- VI. Claims 102-109, 123-131 and 135, drawn to a method of diagnosing a thyroid condition and determining if a subject treated with thyroxine is receiving a proper dosage comprising determining the concentration of thyroxine and binding thyroxine with a predetermined amount of detectable thyroxine.

In response, applicants hereby elect with traverse the invention of group V, claims 94-101, 110-122 and 132-134, for prosecution at this time.